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PTO/SB/64 (01-08)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: *Steven M. Senn*

Application No.: *09/888, 554*

Art Unit:

Filed: *JUN 26, 2001*

Examiner: *Michael Cuth*

Title: *Retail Customer and Product Purchase Divider with
Interactive Retail Transaction Functions.*

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 770.⁰⁰ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of _____ (identify type of reply):

☐ has been filed previously on _____
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED
FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Steven M. Sehn
Signature

06/14/08
Date

Steven M. Sehn
Typed or printed name

18336 Aurora Ave N. #12-421
Address

Registration Number, if applicable
(206) 403-7399
Telephone Number

Shoreline, WA. 98133.
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Letter of Unintentional Delay Revival Request

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

06/14/2008
Date

Steven M. Sehn
Signature

Steven M. Sehn
Typed or printed name of person signing certificate



STEVE SENN / SENNCO

18336 Aurora Ave N. Ste 112-421, Shoreline, WA 98133
(206) 417-3021 or (206) 403-7399 – e-mail stevesenn@gmail.com

September 30, 2008

Page 1 of 4

Attn: Mail Stop PEITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Charlema Grant / Petitions Attorney / Office of Petitions

“Renewed Petition under 37 CFR 1.137 (b)”

In response to August 7, 2008 Decision on Petition Letter.

Inventor: Steven M. Senn
18336 Aurora Ave N, 112-421
Shoreline, WA 98133 - U.S.A.
(206) 417-3021 (206) 403-7399

RE: Application # 09/888,554

Non-provisional patent filing date: June 26, 2001

Title: “Retail Customer and Product Purchase Divider With Interactive Retail Transaction Functions”

Provisional filing date: September 1, 2000.

Provisional filing number: 60/214/545

“The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137 (a) or (b) was unintentional”. The “Federal Social Security Administration” documents the reason and length for the delay and supporting documents are enclosed with this letter. It was because of a prolonged work disability illness of the petitioner, inventor (myself, Steve Senn).

This letter is a response to the letter mailed August 7, 2008. I have enclosed additional information to clarify the reason for the prolonged unintentional non-response to the “Office Action Summary” dated September 24, 2003 and mailed October 3, 2003 (copy enclosed) or lack of any action taken on this patent application. Enclosed are copies previously sent communication because over the last year my communications have been diverted to the electronic file system without proper attention or delivery to the appropriate office. I recently found this out from Joseph F. Weiss Jr., who is a patent policy examination advisor. I have enclosed a copy of his e-mail to me on this prolonged investigation.

This letter addresses the period of time from September 23, 2003 to October 15, 2007 and includes up to the present date. In a summation the petitioner, (Steve Senn), was by definition of the Federal Social Security Administration laws and codes unable to perform any work including gainful employment. This disability also includes the petitioners (Steve Senn) unintentional ability to respond to any letters, office actions or completion of the referred patent application. I have included a copy with this letter of the Social Security Administrations determination that concurs with this statement. This spans the whole time prior to the “Office Action Summary” and other notices sent. If the letters were mailed after the onset date of the petitioners (Steve Senn) disability, I could not have physically responded to them.

I will address the points as outlined in the letter of "Petition Decision" mailed August 7, 2008.

1. Required reply to "Office Action Summary" letter dated September 24, 2003 and mailed October 3, 2003. I have included a copy of this letter, which I have only received on August 11, 2008 for the first time.

Examiner: Cuff, Michael A

Application No. 09/888/554

Confirmation Number: 1749

The petitioner (Steve Senn) unintentionally could not respond to "Office Action Summary" because of the onset of a disability that made it not possible to respond. If the "Office Action Summary" was mailed to the correct address the petitioner could not physically respond to the request for a reply. The petitioner (Steve Senn) has not seen the "Office Action Summary", dated September 24, 2003, until it was received in the PTO mailing dated August 7, 2008. The lack of diligent action is predicated that neither the "Office Action Summary" was received because of a problem with the correspondence address of record. Also because of the preceding disability on behalf of the petitioner the change of address form "PTO/SB/122 (01-06), (present form), could not be sent to the USPTO in a timely manor.

Page 2 sites Detailed Action as to the "Office Action Summary" form (PTOL – 326), I am requesting additional time to correct the application so as the disposition of the claims will not be rejected. I have included with this letter form (PTO/SB/23 (09-08) to request a time extension. On the form under Disposition of Claims, items 4 and 6, claims 1 – 3 were rejected because of items in the claims original application that need to be revised.

Page 2 regarding "Detailed Action" letter "Concerning Provisional Application"

The provisional application that was submitted and received by the USPTO on September 9, 2000, spells out the invention in a context that may not infringe into prior art. I am including with this letter a copy of the canceled check, postal receipt and USPTO return acceptance number (60/214/545), which is also included with this letter. This can be considered the domestic priority date and is included in the application records at the USPTO. If the PTO needs a notarized statement please let me know and cover it under the request for time extension. At this point in time I request that the application be changed from the 102(b) rejection to a 102(e) rejection. This is until I am able to address the sited rejections for compliance and amending the application claims.

Page 2 sites "Claim Rejections" – 35 USC 102 Stating that the following claims 1 – 3 were rejected. The conclusion that follows refers to prior art that may be considered prior art to my application. Because of my complete disability starting September 23, 2003 I could not respond to the "Claim Rejections – 35 USC 102 even if I had received the "Office Action Letter" at my residing address. I also want the PTO to know that my invention is original and by amending or removing some prior art claims from my original application it will eliminate any infringements upon prior art.

I cannot address the rest of the "Office Action Summary" and "Detailed Action" until I have a reinstatement confirmation from the USPTO and can work with the patent examiner to modify the patent application.

2. Under the unintentional abandonment provisions of 37 CFR 1.17 (m) a \$770.00 petition fee was paid, dated June 16, 2008, via form PTO-2038 (09-2006). The fee is for application "Request for Consideration for Reinstatement of The Patent Application #09/888,554 Petition". I am including with this letter a copy of form 37 CFR 1.137 (b), "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137 (b) that was previously mailed on June 16, 2008 and a copy of form credit card processing PTO – 2038 (09-2006), and reinstatement fee of \$770.00 mailed on June 16, 2008. I am also including copies of the certified mail receipts.
3. This petition under 37 CRF 1.137 (a) or (b) states a lack of timely filing that was unintentional in its application replies and unintentional abandonment. I am providing signed documentation by the federal government, Social Security Administration, that I became disabled beginning August 23, 2003 under section 1614(a)(3)(A). That is prior to the dates of the office action notice or the notice of abandonment being mailed. Pursuant to 37 CFR 1.137 (b) this has created a prolonged delay in completing the application. The petitioner, (Steve Senn), had a medical emergency and as of that date I could not perform daily employment tasks or perform any work that involved work on the patent application #09/888,554. I could not meet the time criteria set forth in 37 CFR 1.136 (a) because of my work disability that has continued from August 23,2003 to at least April 7, 2008. As pursuant to the Social Security Administration attached letter I was not capable of performing any work from that date to the present date. I am now feeling better to the point of pursuing patent work on the referred patent and finishing what I invented. When I became disabled on August 23,2003 I could not respond to the "non-final Office Action Letter" mailed October 3, 2003 (If it was mailed) because I was disabled from performing any work at that time. If I was presiding at the address 5208 – 122pl SE, Everett, WA 98036, and the office action letters were mailed to that address I could not respond to them anyway because of my disability. Because the leanghtly time of my disability period I am asking for an extension of time consideration in application filing and completion as indicated above. I have enclosed the necessary extension request form. I am also including with this letter copies of 4 letters to support my disability and number of years I could not work. This was an unintentional delay in completing this patent application.
4. At this time I do not know of any additional fees needed. The question in whether the patent application was abandoned or there was an unintentional delay in filing a petition under 37 CFR 1.137 (a) or (b) has been addressed in item 3 in this letter. From the time before the "Office Action Notice of Abandonment" was mailed to the present I have been Federally Certified disabled and unable to work. I am now able to perform work capable in enabling me to complete this patent application. As the applicant I believe I have demonstrated why the patent application was unintentionally abandoned in pursuing the time lines and office action letters. As the applicant, I did not choose to deliberately abandon the patent application.

These are the 3 items required to address as stated in the letter dated August 7, 2008.

1. The delay that originally resulted in the abandonment was due to the onset of a disability, September 23, 2003, that prevented me from any work. If I did receive letters in the mail I could not respond to them. This includes the office action letter and notice of patent application abandonment. These letters and notices regarding the patent status were mailed after the onset of my disability and my ability to respond.
2. The onset of a prolonged disability, on August 23, 2003, is also why there was a long delay in filing the initial petition pursuant to 37 CFR 1.137 (a) or (b) to revive the application. On October 15,

2007 was when I became aware that the application was not complete by way of an Internet search of the USPTO Internet site. I contacted the PTO at that time. A confirmation number for that contact is included in this letter. If required I can provide several other confirmation numbers and postage confirmations for communication with the PTO on this patent reinstatement of the application. I have been in the process of the reinstatement application since then to the present date.

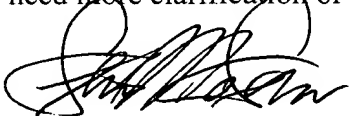
3. The delay in filing a grantable petition pursuant to 37 CFR 1.137 (a) or (b) to revive the application is the same reason as stated in number 1 and 2 above. With the onset of my disability, and not viewing the office action summary and other notices, I believed that my time had expired to complete the patent application under normal circumstances. Regardless I could not have initiated the petition for application reinstatement due to my prolonged work related disability until presently. I did not have the capability to do so. I now am in better health and have the ability to complete the patent application under 37 CFR 1.137 (a) or (b).

Recently learning that the divider patent was never finalized, and that I could apply for a reinstatement of the patent application under 37 CFR 1.137 (a) or (b), I contacted the USPTO on October 15, 2007 (call ref# 0100211221). I have several phone confirmation reference numbers if you need them. Besides the telephone calls I am enclosing copies of receipts for certified letters mailed as to the state of the application and trying to locate the Office Action Letters. After contacting Joseph F. Weiss Jr., who is a patent policy examination advisor, he found that all my communications, (e-mail, fax and certified mail), was going to the PTO hard files storage. I have been persistent for almost a year now to get to this point. I am enclosing a copy of his e-mail.

If there is any documentation from doctors, attorneys, notarized statements or anything to enable me to acquire a reinstatement of this patent application please let me know. I know it has been some time since this patent application was unintentionally abandoned but I have been very ill for some time and was not able to pursue the completion of this patent application until now.

Please withdraw the holding of abandonment pending application for of this patent application. Also please send me all the necessary information, documents (including copies of the office action letters) and contacts in the USPTO necessary to continue and finish the patent application. If you have any questions, need more clarification or additional information please contact me as soon as possible.

Sincerely,



Steven M Senn
Petitioner / Inventor

Date

09/30/2008



**AN APPLICATION FOR PATENT
ALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

M. Senn

554

Art Unit:

Examiner:

201

*and Product Purchase Division with
if Transaction Functions.*

Michael Corti

===== Sales Receipt =====
Product Sale Unit Final
Description Qty Price Price
David A. Weinstein
ALEXANDRIA VA 22313 \$0.42
Zone-8 First-Class
Letter
0.90 oz.
Return Rcpt (Green \$2.20
Card)
Certified \$2.70
Label #: 70063450000165781375
=====

Issue PVI: \$5.32

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Total: \$5.32

Paid by:
Cash \$5.35
Change Due: -\$0.03

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YOUR OPINION COUNTS

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) 272-3282.

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FR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

_____ (37 CFR 1.17(m))

bove-noted Office action in

_____ (identify type of reply):

ily on _____

fee (if applicable) of \$ _____

y on _____

[Page 1 of 2]

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